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Security Council

Sixty-first year

Provisional

5458th meeting

Wednesday, 14 June 2006, 10 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Wang Guangya
	Congo	Mr. Gayama
	France	Mr. De La Sablière
	Ghana	Nana Effah-Apenteng
	Greece	Mr. Vassilakis
	Japan	Mr. Kitaoka
	Peru	Mr. Ruiz Rosas
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East

Letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/375)

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06-38709 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/375)

The President: I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boutros Assaker, Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

On behalf of the Council, I also extend a warm welcome to His Excellency Mr. Fayssal Mekdad, Vice-Minister for Foreign Affairs of the Syrian Arab Republic.

At the invitation of the President, Mr. Assaker (Lebanon) and Mr. Mekdad (Syrian Arab Republic) took seats at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission.

It is so decided.

I invite Mr. Brammertz to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/375, which contains a letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the United Nations International Independent Investigation Commission.

I wish to draw the attention of members to document S/2006/278, which contains a letter dated 5 May 2006 from the charge d'affaires ad interim of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General.

I now give the floor to Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission.

Mr. Brammertz: I would like to thank you, Madam President, for having given me the opportunity to present to the Council the fourth report of the Independent International Investigation Commission (S/2006/375, annex). The report details further progress made in the investigation of the killing of former Prime Minister Rafik Hariri and 22 others. It also provides an update on the technical assistance that the Commission has been affording to the Lebanese authorities in the investigations of 14 other crimes. In particular, the Commission has developed its investigative activities, increased its technical assistance to the Lebanese authorities, strengthened its organizational structure and capacity and adopted its internal procedure.

The investigation has further developed over the past three months. Twenty-four projects are under way concurrently, including forensic examinations of the crime scene and the convoy vehicles, a review of the telecommunications used by the alleged perpetrators, and the interviewing of key witnesses and sensitive sources. Most notably, the Commission has invested a major 23-day effort in the systematic forensic examination of the immediate circumstances of the Hariri attack. One of its main objectives was to establish a unifying theory on whether the explosion occurred below ground or above ground, whether it consisted of one or two blasts or a combination thereof.

and how it was triggered. That will facilitate an understanding of the planning and execution of the crime, the nature and composition of the perpetrating team and its skills and coordination, the time spent to plan the attack, the period during which the decision to assassinate Rafik Hariri was taken, and the extent of the involvement, potential advance knowledge or complicity of other individuals.

Based on the results of the investigations and analysis and the evidence collected so far, the Commission has reached the following preliminary conclusions. One above-ground explosion took place on 14 February 2005 at precisely 12.55 p.m. A large improvised explosive device (IED), placed in a Mitsubishi truck, was detonated as the Hariri convoy passed by. The IED contained a minimum of 1,200 kilogrammes of TNT equivalent. The detonation of the IED was most likely initiated by an individual within or immediately in front of the Mitsubishi.

The Commission does not believe that the claim of responsibility expressed in the video tape delivered to Reuters and Al Jazeera immediately after the attack establishes the identity of the individual. In fact, DNA analysis of human remains recovered from the crime scene suggests that there is no evidence that the individual claiming responsibility for the attack, namely Ahmed Abu Adass, was the individual who initiated the detonation of the IED.

The crime must be considered a targeted assassination. The large quantity of explosives used elevated the attack to an almost "guaranteed" level: the magnitude of the explosion was designed to ensure the success of the operation even if the Hariri vehicle was not directly hit.

The Commission has developed two basic working hypotheses regarding the perpetrators of the attack. On the one hand, the Commission is considering the possibility that the attack was planned and executed in a compartmentalized manner. In practice, this would mean that different people were responsible for or involved in the planning of the attack, the reconnaissance and surveillance, the preparation of the IED, the acquisition of the Mitsubishi truck, the identification of the individual used as the trigger mechanism and the claim-of-responsibility video. Each part would have been carried out by individuals or groups who were not necessarily aware of or involved in other parts of the operation.

On the other hand, the Commission does not exclude the possibility of an operation planned and executed by a relatively small single team.

The Commission is also developing working hypotheses regarding those who commissioned the crime. Given the many different positions occupied by Rafik Hariri and his wide range of public and private sector activities, the Commission is investigating a number of different motives, including political motivations, personal vendettas, financial circumstances and extremist ideologies, as well as any combination of them.

In this context, the Commission is continuing with a series of interviews of individuals who it believes can assist in clarifying the formal and informal structures prevailing in Lebanon and the wider region at the time of the assassination. These include interviews with Syrian and Lebanese officials from a number of different organizations and agencies.

The level of assistance provided by Syria during the reporting period has generally been satisfactory. Syria responded to all of the Commission's requests, and did so in a timely manner. In some instances comprehensive responses were provided. Since March, the Commission has submitted 16 formal requests for assistance to Syria. Some of those seek, within a set time frame, detailed information on the Syrian military and civilian intelligence apparatus in Lebanon. Others request the facilitation of witness interviews in Syria or the sharing of information obtained by the Syrian authorities in the course of their own investigations.

Three of those requests were submitted as a result of my meetings in Damascus with the President and the Vice-President on 25 April 2006. At that meeting, the President reiterated the assurances given by other senior officials that Syria intends to comply fully with all Commission requests. The Commission will continue to request this full cooperation from Syrian authorities, including in collecting documents, seeking specific information and facilitating interviews of Syrian citizens.

There has also been a substantial increase in the number of requests for assistance submitted to other Member States. Since 15 March 2006, 32 formal requests for assistance were sent to 13 Member States.

That increase underlines the wide reach of the Commission's investigative activities and the international character of its work.

Moreover, interaction with the Lebanese authorities continues to be excellent at all levels and on all aspects of the Commission's mandate. The commitment and support of the Prosecutor General of Lebanon and his Office, and that of the respective investigating judges, have been instrumental in much of the progress made. The Government of Lebanon, the armed forces and the internal security forces ensure, with much dedication, that the Commission can carry out its work in a secure environment, despite persisting security challenges. The Commission is particularly grateful for that support.

The Commission has also continued its technical assistance to the Lebanese authorities in their investigation of 14 other attacks that occurred in Lebanon. The Commission's focus during the reporting period has been twofold: to advance the status of each case individually and of all cases horizontally so as to establish potential links between the attacks.

As a result, the cases can be linked analytically in a number of different ways, and from varying perspectives, notably in the similarities in their modus operandi and their intent. However, in terms of evidence, none of the cases is developed to an extent that would allow for the identification and linking of perpetrators. In fact, all 14 cases are at present lacking significant forward investigative momentum. The reasons for that include the lack of Lebanese forensic capacity to collect and analyse evidence and a lack of horizontal coordination among the cases due to an apparent fragmentation within the Lebanese judicial and law enforcement system. The Commission has little reason to believe that the status of these cases will change much in the foreseeable future unless external assistance is provided. Given the significance of the 14 cases and their potential importance to the Hariri investigation, I believe that a more concerted and robust effort is needed to advance the investigation of these cases.

Progress in the Commission's investigative work when providing technical assistance will not be possible without the strong backbone of a solid organization. The consolidation of the Commission's structure and capacity is therefore an ongoing effort. In my last briefing I expressed serious concern over the lack of readily available and qualified personnel for the Commission. While the Commission is still not at full capacity, the situation has improved. Most of the Commission's key functions are now filled or under recruitment. We have 24 investigators, lawyers and analysts on board, with 10 additional staff scheduled to join us soon. As a result, the vacancy rate has dropped from almost 50 per cent in January to less than 20 per cent today.

A key aspect of the Commission's institutional consolidation has been the adoption of its own internal working procedure, as directed by resolution 1595 (2005). The procedure aims at ensuring uniformity in the work of the Commission and respect for minimum professional standards. The internal procedure takes into account Lebanese law and judicial procedures, as well as relevant international standards and the procedures of international criminal jurisdictions. That will help ensure that any information collected by the Commission is admissible in future legal proceedings, possibly before a tribunal of an international character.

Considerable progress has been achieved in the Hariri investigation. Critical forensics work on the crime scene and the convoy vehicles has been completed. The modalities and circumstances of the attack of 14 February 2005, which killed Rafik Hariri and 22 others, are now largely understood. While continuing essential forensic work, the Commission will, in the months ahead, focus on the identification of the perpetrators and those who commissioned the crime.

The Commission welcomes the 4 May 2006 request of the Government of Lebanon to the Secretary-General to extend its mandate for a further period of up to one year. Such an extension would provide a sense of continuity and stability and guarantee steady operations and planning. Moreover, in the light of the potential linkages between the Hariri investigation and the 14 other cases, the Commission believes that a much more concerted and robust effort is needed to move these cases forward. External support in providing technical assistance and forensics expertise to the Lebanese investigations will be critical. The Commission could also conceive of a more proactive role for itself in supporting Lebanese judicial authorities in strengthening their investigations.

I am fully aware of the high expectations that the Commission's mandate and work create among the

families of the victims — and, in fact, among the Lebanese public at large. I understand the need to obtain answers to the questions surrounding the assassination of Rafik Hariri and the 14 other attacks. It is precisely for those reasons that there is no alternative to staying focused and continuing to tackle these questions one by one and in a systematic manner that will provide the level of evidential certainty required by any court so that justice will eventually be done.

I thank the Council very much for its continued support.

The President: I thank Mr. Brammertz for his briefing.

I now give the floor to Mr. Boutros Assaker, Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

Mr. Assaker (Lebanon) (*spoke in Arabic*): The Security Council is once again meeting to follow up on issues pertaining to Lebanon. This time the question pertains to the investigation into the assassination of martyred Prime Minister Rafik Hariri and his companions, which is a matter of bringing justice to a people and a country. On behalf of my Government, Madam President, I would like to reiterate our thanks to you, your friendly country, the other members of the Security Council and the Secretary-General for all your continued efforts and your desire to follow up on this matter. The efforts to identify and punish those involved in this crime enjoy the complete support and the consensus approval of the Lebanese people as a whole.

We have just heard the briefing of Commissioner Serge Brammertz on the fourth report of the United Nations International Independent Investigation Commission (S/2006/375, annex). We express our gratitude for that report, which we have read carefully and about which we would like to make the following positive remarks.

First, we commend the high professionalism and seriousness that characterize Mr. Brammertz and his team. We welcome the progress referred to in the report as regards enhancing the human and technical capacity of the Commission. We also welcome the progress made in the investigation, which we hope will continue until the whole truth behind this grave terrorist crime is uncovered. We further hope that the support of the Commission for Lebanese judicial authorities will lead to the identification of those responsible for other terrorist crimes that Lebanon has suffered.

Secondly, we look forward to the Council's favourable consideration of the 4 May 2006 request by the Lebanese Government addressed to the Secretary-General to extend the Commission's mandate for an additional year, as well to its approval of the repeated requests that Mr. Brammertz continue to lead the Commission. That latter request is in recognition of the renowned competence and professionalism of Mr. Brammertz. It also reflects a desire to ensure the effectiveness and continuity of the investigation, which could be disrupted owing to the time needed to appoint a new Commissioner.

Thirdly, we underscore with satisfaction the report's reference to the robust ongoing cooperation between the Commission and Lebanese judicial authorities, whose work and productivity are continuously improving. That improvement reflects the desire of the Lebanese Government to develop the capacity of its judicial and security agencies. It also reflects the competence of those agencies and their will to develop their performance and preparedness despite difficult working conditions, which we continue to work hard to improve. In that regard, we reiterate the importance of continuing that cooperation between the Commission and the Lebanese authorities in accordance with the memorandum of understanding signed between the two parties and the suggested amendments that are being discussed to ensure optimal working conditions and productivity in the service of the serious task that the Commission has undertaken.

Fourthly, the Lebanese Government notes with interest the reference in the report to the cooperation of the relevant parties named therein. The Lebanese Government hopes for and encourages such full, ongoing cooperation in the service of truth, justice and stability in Lebanon and throughout the region.

The assassination of Prime Minister Rafik Hariri was an unusual crime that reverberated and continues to reverberate throughout Lebanon, the region and the world. Lebanon and its people have therefore participated with exceptional determination and persistence in the investigation into the crime, alongside the international community. They have also established optimal conditions for ensuring legality and

justice by uncovering the complete truth, putting those involved on trial, and punishing them in a manner commensurate with the gravity of their crime.

In that regard, we note the current consultations between the Lebanese authorities and the United Nations Secretariat, in accordance with the resolution adopted by this Council, on drafting the basic statute of an international court, which all Lebanese await with concern and anticipation. The establishment of such a court will assure the Lebanese people that justice will be served in the interests of strengthening peace and setting a precedent that will prevent the recurrence of such heinous terrorist crimes in Lebanon and the region, which have long suffered from similar acts of terrorism.

The Lebanese Government appreciates the Security Council's close follow-up of the just causes that concern Lebanon and commends its efforts in that regard. The Lebanese Government affirms that it is moving forward with confidence and persistence, in respect for international legitimacy and in cooperation with the brotherly and friendly countries of the international community, towards developing its capacity to build a State that is capable, just and responsive to the aspirations of all the Lebanese people — a State that embodies the Lebanese heritage of freedom, openness and democracy.

The President: I shall now give the floor to Mr. Fayssal Mekdad, Vice Minister for Foreign Affairs of the Syrian Arab Republic.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to congratulate you, Madam, on your accession to the presidency of the Security Council. We wish you every success in leading the Council's work this month.

We express our deep gratitude for the work of the Permanent Representative of the Congo and his friendly delegation and for their wise leadership of the Council throughout their presidency last month.

I also welcome the presence of Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission, and thank him for his briefing. We note the contents of Mr. Brammertz's report, as well as its objectivity, professionalism and positive references to Syria's efforts to cooperate with the Commission, to respond constructively to all the Commission's requests, and to provide it with all the necessary information in a timely manner.

I wish to stress that the cooperation of the Government of the Syrian Arab Republic with the Commission is based on its eagerness to uncover the truth about the assassination of the former Prime Minister of Lebanon, the late Rafik Hariri, and to expose those who were behind the crime.

The report before the Security Council today includes a step-by-step clarification of the Committee's technical work at the scene of the crime and on the means used to commit it. We hope that the Commission, newly reconstituted a few months ago, will uncover the truth concerning those truly responsible for committing the crime.

In that context, we reiterate the assertion we have made on previous occasions to the effect that the greatest threat to the investigation is the attempts by certain parties within or outside our region to use developments in the investigation as an excuse to jump to a priori conclusions unfounded in clear evidence or proof, and to provide false evidence that may be exploited for purposes, including the desire to pressure my country, that are far removed from those for which the Commission was established. The fact is that a revelation of the truth must await the Commission's completion of its task.

I wish briefly to refer to the report before the Security Council and to make the following general remarks, without addressing its substantive details so as not to prejudice the investigation, which we believe must be objective, impartial, independent and free of all politicization and political interference.

First, the report notes that Syrian cooperation with the Commission has been satisfactory. We emphasize that Syria has cooperated tirelessly and fully with the United Nations International Independent Investigation Commission from the moment it began its work to this very day. In that context, the special judicial commission established in Syria is prepared to follow up on coordination and cooperation with the International Commission and to respect all requests for assistance it may submit. We note that the accuracy and clarity of the requests presented to the Syrian judicial commission has allowed us to provide the International Commission with the requested information in record time.

Secondly, in the framework of cooperation between Syria and the United Nations International Independent Investigation Commission, the report notes Syria's positive response to requests made by the Commission with respect to the provision of information and documentation. It further notes that

> "[t]he Syrian Arab Republic has responded to all of the Commission's requests in a timely manner and in some instances comprehensive responses were provided" (*S/2006/375, para. 103*).

I would stress here that Syria will continue to extend its efforts in that area.

Thirdly, Syria supports the emphasis in the report on the necessity of carefully and accurately analysing and assessing the evidence in accordance with the highest standards and parameters of international criminal procedure, in particular with respect to false testimony provided to the Commission for well-known political reasons.

Fourthly, we note that the Commission has made requests for assistance to 13 other States in addition to Syria and Lebanon. In that context, we would like to emphasize that Security Council resolution 1595 (2005) called upon all States to cooperate fully with the International Independent Investigation Commission, in order to uncover the truth behind the assassination of the late Rafik Hariri.

Fifthly, we have noted with satisfaction the continued confidentiality of the investigation; we welcome such confidentiality and would like it to continue.

Sixthly, Syria agrees with the report as regards the need for adequate time to complete the investigations and gather all the necessary solid evidence and proof before moving on to the next step.

In conclusion, Syria agrees with the importance of providing the international investigation with all the resources and time it needs to finish its work, enabling it to gather true evidence in the absence of politicization and false and erroneous hypotheses. Here, we would like to emphasize that, through the Syrian Judicial Commission, Syria will continue to cooperate actively in order to help the International Commission. Once again, I would like to emphasize that Syria's cooperation is based upon its wish to find and reveal the truth, something which is in our best interests.

The President: In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.